



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2015-0104 FRL-9926-48-Region 7]

**Approval and Promulgation of Air Quality Implementation Plans;
Kansas; Update to Materials Incorporated by Reference**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: Environmental Protection Agency (EPA) is updating the materials submitted by Kansas that are incorporated by reference (IBR) into the state implementation plan (SIP). EPA is also notifying the public of the correction of certain typographical errors within the IBR table. The regulations affected by this update have been previously submitted by the state agency and approved by EPA. This update affects the SIP materials that are available for public inspection at the National Archives and Records Administration (NARA), and the Regional Office.

DATES: This rule is effective on [INSERT DATE OF PUBLICATION IN THE **FEDERAL REGISTER**].

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 7, 11201 Renner Boulevard, Lenexa, Kansas 66219; or at <http://www.epa.gov/region07/air/rules/fedapprv.htm>; and the National Archives and Records Administration. For information on the availability of this material at NARA, call (202) 741-6030, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

FOR FURTHER INFORMATION CONTACT: Jan Simpson at (913) 551-7089, or by email at simpson.jan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The SIP is a living document which the state revises as necessary to address the unique air pollution problems in the state. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations to make them part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and the Office of Federal Register. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

On February 12, 1999, EPA published a document in the **Federal Register** (64 FR 7091) beginning the new IBR procedure for Kansas. On November 14, 2003 (68 FR 64532), and on April 8, 2009 (74 FR 15856), EPA published an update to the IBR material for Kansas.

In this document, EPA is publishing an updated set of tables listing the regulatory (i.e., IBR) materials in the Kansas SIP taking into account the additions, deletions, and revisions to those materials previously submitted by the state agency and approved by EPA. We are removing the EPA Headquarters Library from paragraph (b)(3), as IBR materials are no longer available at this location. In addition, EPA has found errors in certain entries listed in 40 CFR 52.870(c) and (e), as amended in the published IBR update actions listed above, and is correcting them in this document. Table (c) revisions include:

- updating state effective date, **Federal Register** citation and removing outdated text in explanation column for 28-19-200
- removing outdated text in explanation column for 28-19-201
- adding text in EPA approval date column and removing outdated text in explanation column for 28-19-650

Table (e) is being revised by:

- adding text in the explanation column for (7)-(39)

II. EPA Action

In this action, EPA is doing the following:

A. Announcing the update to the IBR material as of December 31, 2014;

B. Revising the entry in paragraph 52.870 (b) to reflect the update and corrections;

C. Revising certain entries in paragraphs 52.870 (c) and (e) as described above;

D. Correcting the date format in the "State effective date" or "State submittal date" and "EPA approval date" columns in paragraphs 52.870 (c), (d) and (e). Dates are numerical month/day/year without additional zeros;

E. Modifying the **Federal Register** citation in paragraphs 52.870 (c), (d) and (e) to reflect the beginning page of the preamble as opposed to the page number of the regulatory text.

EPA has determined that this rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3), which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). This rule

simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs. Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by providing notice of the updated Kansas SIP compilation.

Statutory and Executive Order Reviews

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Kansas regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available electronically through www.regulations.gov and/or in hard copy at the appropriate EPA office (see the ADDRESSES section of this preamble for more information).

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to

approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will

submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

EPA has also determined that the provisions of section 307(b)(1) of the CAA pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Kansas SIP compilations previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review for this "Identification of plan" reorganization update action for the State of Kansas.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: April 7, 2015.

Mark Hague,
Acting Regional Administrator,
Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart R - Kansas

2. In § 52.870 paragraphs (b), (c), (d) and (e) are revised to read as follows:

§52.870 Identification of plan.

* * * * *

(b) Incorporation by reference. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 31, 2014, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the Federal Register. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 31, 2014, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 7 certifies that the rules/regulations

provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the SIP as of December 31, 2014.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 7, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; at the EPA, Air and Radiation Docket and Information Center, and the National Archives and Records Administration (NARA). If you wish to obtain material from the EPA Regional Office, please call (913) 551-7089. For information on the availability of this material at NARA, call (202) 741-6030, or go to: www.archives.gov/federal-register/cfr/ibr-locations.html.

(c) EPA-approved regulations.

EPA-APPROVED KANSAS REGULATIONS

Kansas citation	Title	State effective date	EPA approval date	Explanation
Kansas Department of Health and Environment Ambient Air Quality Standards and Air Pollution Control				
General Regulations				
K.A.R. 28-19-6	Statement of Policy	1/1/72	5/31/72, 37 FR 10867	Kansas revoked this rule 5/1/82.
K.A.R. 28-19-8	Reporting Required	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-9	Time Schedule for Compliance	5/1/84	12/21/87, 52 FR 48265	
K.A.R. 28-19-10	Circumvention of Control Regulations.	1/1/71	5/31/72, 37 FR 10867	
K.A.R. 28-19-11	Exceptions Due to Breakdowns or Scheduled	1/1/74	11/8/73, 38 FR 30876	

Kansas citation	Title	State effective date	EPA approval date	Explanation
	Maintenance			
K.A.R. 28-19-12	Measurement of Emissions	1/1/71	5/31/72, 37 FR 10867	
K.A.R. 28-19-13	Interference with Enjoyment of Life and Property	1/1/74	11/8/73, 38 FR 30876	
K.A.R. 28-19-14	Permits Required	1/24/94	7/17/95, 60 FR 36361	
K.A.R. 28-19-15	Severability	1/1/71	5/31/72, 37 FR 10867	
Nonattainment Area Requirements				
K.A.R. 28-19-16	New Source Permit Requirements for Designated Nonattainment Areas	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16a	Definitions	10/10/97	1/11/00, 65 FR 1545	
K.A.R. 28-19-16b	Permit Required	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16c	Creditable Emission Reductions	10/16/89	1/16/90, 55 FR 1420	EPA deferred action on the state's current definition of the terms "building, structure, facility, or installation"; "installation"; and "reconstruction."
K.A.R. 28-19-16d	Fugitive Emission Exemption	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16e	Relaxation of Existing Emission Limitations	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16f	New Source Emission Limits	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16g	Attainment and Maintenance of National Ambient Air Quality Standards	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16h	Compliance of Other Sources	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16i	Operating Requirements	10/16/89	1/16/90 55 FR 1420	
K.A.R. 28-19-16j	Revocation and Suspension of Permit	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-	Notification	10/16/89	1/16/90, 55	

Kansas citation	Title	State effective date	EPA approval date	Explanation
16k	Requirements		FR 1420	
K.A.R. 28-19-16l	Failure to Construct	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-16m	Compliance with Provisions of Law Required	10/16/89	1/16/90, 55 FR 1420	
Attainment Area Requirements				
K.A.R. 28-19-17	Prevention of Significant Deterioration of Air Quality	11/22/02	2/26/03, 68 FR 8845	K.A.R. 28-19-17a through 28-19-17q revoked. Provision moved to K.A.R. 28-19-350.
Stack Height Requirements				
K.A.R. 28-19-18	Stack Heights	5/1/88	4/20/89, 54 FR 15934	The state regulation has stack height credit. EPA has not approved that part.
K.A.R. 28-19-18b	Definitions	5/1/88	4/20/89, 54 FR 15934	
K.A.R. 28-19-18c	Methods for Determining Good Engineering Practice Stack Height	5/1/88	4/20/89, 54 FR 15934	
K.A.R. 28-19-18d	Fluid Modeling	5/1/88	4/20/89, 54 FR 15934	
K.A.R. 28-19-18e	Relaxation of Existing Emission Limitations	5/1/88	4/20/89, 54 FR 15934	
K.A.R. 28-19-18f	Notification Requirements	5/1/88	4/20/89, 54 FR 15934	
Continuous Emission Monitoring				
K.A.R. 28-19-19	Continuous Emission Monitoring	6/8/92	1/12/93, 58 FR 3847	
Processing Operation Emissions				
K.A.R. 28-19-20	Particulate Matter Emission Limitations	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-21	Additional Emission Restrictions	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-23	Hydrocarbon Emissions - Stationary Sources	12/27/72	11/8/73, 38 FR 30876	
K.A.R. 28-19-24	Control of Carbon Monoxide	1/1/72	11/8/73, 38 FR 30876	

Kansas citation	Title	State effective date	EPA approval date	Explanation
	Emissions.			
Indirect Heating Equipment Emissions				
K.A.R. 28-19-30	General Provisions	1/1/72	5/31/72, 37 FR 10867	
K.A.R. 28-19-31	Emission Limitations	11/8/93	10/18/94, 59 FR 52425	
K.A.R. 28-19-32	Exemptions - Indirect Heating Equipment	11/8/93	10/18/94, 59 FR 52425	
Incinerator Emissions				
K.A.R. 28-19-40	General Provisions	1/1/71	5/31/72, 37 FR 10867	
K.A.R. 28-19-41	Restriction of Emission	12/27/72	11/8/73, 38 FR 30876	
K.A.R. 28-19-42	Performance Testing	1/1/72	11/8/73, 38 FR 30876	
K.A.R. 28-19-43	Exceptions	1/1/71	5/31/72, 37 FR 10867	
Air Pollution Emergencies				
K.A.R. 28-19-55	General Provisions	1/1/72	5/31/72, 37 FR 10867	
K.A.R. 28-19-56	Episode Criteria	10/16/89	1/16/90, 55 FR 1420	
K.A.R. 28-19-57	Emission Reduction Requirements	1/1/72	5/31/72, 37 FR 10867	
K.A.R. 28-19-58	Emergency Episode Plans	1/1/72	5/31/72, 37 FR 10867	
Volatile Organic Compound Emissions				
K.A.R. 28-19-61	Definitions	10/7/91	6/23/92, 57 FR 27936	
K.A.R. 28-19-62	Testing Procedures	10/7/71	6/23/92, 57 FR 27936	
K.A.R. 28-19-63	Automobile and Light Duty Truck Surface Coating	11/8/93	10/18/94, 59 FR 52425	
K.A.R. 28-19-64	Bulk Gasoline Terminals	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28-19-65	Volatile Organic Compounds (VOC) Liquid Storage in Permanent Fixed Roof Type Tanks	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28-19-66	Volatile Organic Compounds (VOC) Liquid Storage in External Floating	5/1/88	5/18/88, 53 FR 17700	

Kansas citation	Title	State effective date	EPA approval date	Explanation
	Roof Tanks			
K.A.R. 28-19-67	Petroleum Refineries	5/1/86	1/2/87, 52 FR 53	
K.A.R. 28-19-68	Leaks from Petroleum Refinery Equipment	5/1/86	1/2/87, 52 FR 53	
K.A.R. 28-19-69	Cutback Asphalt	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28-19-70	Leaks from Gasoline Delivery Vessels and Vapor Collection Systems	5/15/98	1/11/00, 65 FR 1545	
K.A.R. 28-19-71	Printing Operations	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28-19-72	Gasoline Dispensing Facilities	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28-19-73	Surface Coating of Miscellaneous Metal Parts and Products and Metal Furniture	6/8/92	1/12/93, 58 FR 3847	
K.A.R. 28-19-74	Wool Fiberglass Manufacturing	5/1/88	5/18/88, 53 FR 17700	
K.A.R. 28-19-76	Lithography Printing Operations	10/7/91	6/23/92, 57 FR 27936	
K.A.R. 28-19-77	Chemical Processing Facilities That Operate Alcohol Plants or Liquid Detergent Plants	10/7/91	6/23/92, 57 FR 27936	
General Provisions				
K.A.R. 28-19-200	General Provisions; definitions	1/2/11	2/22/11, 76 FR 9658	
K.A.R. 28-19-201	General Provisions; Regulated Compounds List	10/10/97	1/11/00, 65 FR 1545	
KAR 28-19-202	Annual Emissions Fee	11/15/10	1/27/14, 79 FR 4274	Paragraph (c), has not been approved as part of the SIP.
K.A.R. 28-19-204	Permit Issuance and Modification; Public Participation	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-	Calculation of	11/22/93	1/11/00, 65	

Kansas citation	Title	State effective date	EPA approval date	Explanation
210	Actual Emissions		FR 1545	
K.A.R. 28-19-212	Approved Test Methods and Emission Compliance Determination Procedures	1/23/95	7/17/95, 60 FR 36361	
Construction Permits And Approvals				
K.A.R. 28-19-300	Applicability	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-301	Application and Issuance	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-302	Additional Provisions; Construction Permits	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-303	Additional Provisions; Construction Approvals	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-304	Fees	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-350	Prevention of Significant Deterioration (PSD) of Air Quality	12/28/12	6/20/13, 78 FR 37126	Provisions of the 2010 PM _{2.5} PSD-Increments, SILs and SMCs rule (75 FR 64865, October 20, 2010) relating to SILs and SMCs that were affected by the January 22, 2013, U.S. Court of Appeals decision are not SIP approved. Provisions of the 2002 NSR reform rule relating to the Clean Unit Exemption, Pollution Control Projects, and exemption from recordkeeping provisions for certain sources using the actual-to-projected-actual emissions projections test are not SIP

Kansas citation	Title	State effective date	EPA approval date	Explanation
				approved. In addition, we have not approved Kansas rule incorporating EPA's 2007 revision of the definition of "chemical processing plants" (the "Ethanol Rule," 72 FR 24060 (May 1, 2007) or EPA's 2008 "fugitive emissions rule," 73 FR 77882 (December 19, 2008)).
General Permits				
K.A.R. 28-19-400	General Requirements	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-401	Adoption by the Secretary	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-402	Availability of Copies; Lists of Sources to Which Permits Issued	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-403	Application to Construct or Operate Pursuant to Terms of General Permits	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-404	Modification, Revocation	1/23/95	7/17/95, 60 FR 36361	
Operating Permits				
K.A.R. 28-19-500	Applicability	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-501	Emissions Limitations and Pollution Control Equipment for Class I and Class II Operating Permits; Conditions	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-502	Identical Procedural Requirements	1/23/95	7/17/95, 60 FR 36361	
Class II Operating Permits				

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28-19-540	Applicability	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-541	Application Timetable and Contents	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-542	Permit-by-Rule	9/23/05	2/8/08, 73 FR 7468	
K.A.R. 28-19-543	Permit Term and Content; Operational Compliance	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-544	Modification of Sources or Operations	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-545	Application Fee	1/23/95	7/17/95, 60 FR 36361	
K.A.R. 28-19-546	Annual Emission Inventory	9/23/05	2/8/08, 73 FR 7468	
K.A.R. 28-19-561	Permit-by-Rule; Reciprocating Engines	9/23/05	2/8/08, 73 FR 7468	
K.A.R. 28-19-562	Permit-by-Rule; Organic Solvent Evaporative Sources	9/23/05	2/8/08, 73 FR 7468	
K.A.R. 28-19-563	Permit-by-Rule; Hot Mix Asphalt Facilities	9/23/05	2/8/08, 73 FR 7468	
K.A.R. 28-19-564	Permit-by-Rule; Sources with Actual Emissions Less Than 50 Percent of Major Source Thresholds	10/4/02	3/26/03, 68 FR 14540	
Open Burning Restrictions				
K.A.R. 28-19-645	Open Burning Prohibited	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28-19-646	Responsibility for Open Burning	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28-19-647	Exceptions to Prohibition on Open Burning	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28-19-648	Agricultural Open Burning.	3/1/96	10/2/96, 61 FR 51366	
K.A.R. 28-19-650	Emissions Opacity Limits	1/29/99	12/12/01, 66 FR 64148 (correction). 1/11/00, 65 FR 1545	
Nitrogen Oxide Emissions				
K.A.R. 28-19-712	Definitions	6/25/10	2/20/13, 78 FR 11751	

Kansas citation	Title	State effective date	EPA approval date	Explanation
K.A.R. 28-19-712a	Applicability	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-712b	General requirement for heavy-duty diesel vehicles	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-712c	General requirement for load and unload locations	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-712d	Exemptions	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-713	Applicability	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-713a	Emission limitation requirements	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-713b	Alternate emissions limit	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-713c	Control measures and equipment	6/25/10	2/20/13, 78 FR 11751	
K.A.R. 28-19-713d	Compliance demonstration, monitoring, and reporting requirements	6/25/10	2/20/13, 78 FR 11751	
Volatile Organic Compound Emissions				
K.A.R. 28-19-714	Control of Emissions from Solvent Metal Cleaning	9/1/02	10/30/02, 67 FR 66058	
K.A.R. 28-19-717	Control of Volatile Organic Compound (VOC) Emissions from Commercial Bakery Ovens in Johnson and Wyandotte Counties	12/22/00	12/12/01, 66 FR 64148	
K.A.R. 28-19-719	Fuel Volatility	4/27/01	2/13/02, 67 FR 6655	
Conformity				
K.A.R. 28-19-800	General Conformity of Federal Actions	3/15/96	10/2/96, 61 FR 51366	

(d) EPA-approved State source-specific permits.

EPA-APPROVED KANSAS SOURCE-SPECIFIC PERMITS

Name of source	Permit or case No.	State effective date	EPA approval date	Explanation
(1) Board of Public Utilities, Quindaro Power Station	2090048	10/20/93	10/18/94, 59 FR 52425	
(2) Board of Public Utilities, Kaw Power Station	2090049	10/20/93	10/18/94, 59 FR 52425	
(3) Kansas City Power and Light Company		12/5/07	12/27/11, 76 FR 80754	Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.
(4) Westar Energy, Inc.		2/29/08	12/27/11, 76 FR 80759	Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.

(e) EPA-approved nonregulatory provisions and quasi-regulatory measures.

EPA-APPROVED KANSAS NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
(1) Implementation Plan for Attainment and Maintenance of the National Air Quality Standards	Statewide	1/31/72	5/31/72, 37 FR 10867	
(2) Comments on the Plan in Response to EPA Review	Kansas City	3/24/72	6/22/73, 38 FR 16550	Correction notice published 3/2/76.
(3) Emergency Episode Operations/ Communications Manual	Kansas City	4/6/72	11/8/73, 38 FR 30876	Correction notice published 3/2/76
(4) Emergency Episode Operations/ Communications Manual	Statewide except Kansas City	2/15/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76
(5) Letter Concerning Attainment of CO Standards	Kansas City	5/29/73	11/8/73, 38 FR 30876	Correction notice published

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
				3/2/76
(6) Amendment to State Air Quality Control Law Dealing with Public Access to Emissions Data	Statewide	7/27/73	11/8/73, 38 FR 30876	Correction notice published 3/2/76
(7) Analysis and Recommendations Concerning Designation of Air Quality Maintenance Areas	Statewide	2/28/74	3/2/76, 41 FR 8956	[FRL 484-4]
(8) Ozone Nonattainment Plan	Kansas City	9/17/79	4/3/81, 46 FR 20164	[A-7-FRL 1788-5]
(9) Ozone Nonattainment Plan	Douglas County	10/22/79	4/3/81, 46 FR 20164	[A-7-FRL 1788-5]
(10) TSP Nonattainment Plan	Kansas City	3/10/80	4/3/81, 46 FR 20164	[A-7-FRL 1788-5]
(11) Lead Plan	Statewide	2/17/81	10/22/81, 46 FR 51742	[A-7-FRL-1938-8]
(12) CO Nonattainment Plan	Wichita	4/16/81	12/15/81, 46 FR 61117	[A-7-FRL-1990-3]
(13) Air Monitoring Plan	Statewide	10/16/81	1/22/82, 47 FR 3112	[A-7-FRL-2024-8]
(14) Letter and Supporting Documentation Relating to Reasonably Available Control Technology for Certain Particulate Matter Sources	Kansas City	9/15/81	6/18/82, 47 FR 26387	[EPA Action KS 276; FRL 2137-6]. Correction notice published 1/12/84.
(15) Letter Agreeing to Follow EPA Interim Stack Height Policy for Each PSD Permit Issued Until EPA Revises the Stack Height Regulations	Statewide	6/20/84	12/11/84, 49 FR 48185	[A-7-FRL-2734-4; EPA No 1163]
(16) Letters Pertaining to Permit Fees	Statewide	3/27/86, 9/15/87	12/21/87, 52 FR 48265	[FRL 3299-4]
(17) Revisions to the Ozone Attainment Plan	Kansas City	7/2/86, 4/16/87, 8/18/87, 8/19/87, 1/6/88	5/18/88, 53 FR 17700	[3375-5]
(18) Revised CO Plan	Wichita	3/1/85, 9/3/87	10/28/88, 53 FR 43691	[FRL-3449-1]
(19) Letter	Statewide	1/6/88	11/25/88,	[FRL-3473-9]

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
Pertaining to the Effective Date of Continuous Emission Monitoring Regulations			53 FR 47690	
(20) Letters Pertaining to New Source Permit Regulations, Stack Height Regulations, and Stack Height Analysis and Negative Declarations	Statewide	3/27/86, 12/7/87 1/6/88	4/20/89, 54 FR 15934	[FRL-3558-5]
(21) PM ₁₀ Plan	Statewide	10/5/89, 10/16/89	1/16/90, 55 FR 1420	[FRL-3704-3]
(22) Ozone Maintenance Plan	Kansas City	10/23/91	6/23/92, 57 FR 27936	[KS1-1-5439; FRL 4126-6]
(23) Letter Pertaining to PSD NO _x Requirements	Statewide	9/15/92	1/12/93, 58 FR 3847	[KS-2-1-5640; FRL-4552-3]
(24) Small Business Assistance Plan	Statewide	1/25/94	5/12/94, 59 FR 24644	[KS-3-1-8332; FRL-4882-4]
(25) Letter Regarding Compliance Verification Methods and Schedules Pertaining to the Board of Public Utilities Power Plants	Kansas City	12/11/92	10/18/94, 59 FR 52425	[KS-4-1-6508a; FRL-5079-2]
(26) Emissions Inventory Update Including a Motor Vehicle Emissions Budget	Kansas City	5/11/95	4/25/96, 61 FR 18251	[KS-6-1-6985, MO-31-1-7153; FRL 5448-9]
(27) Air monitoring plan	Statewide	1/6/02	8/30/02, 67 FR 55726	[KS 162-1162a; FRL-7270-4]
(28) Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for the second ten-year period	Kansas City	1/9/03	1/13/04, 69 FR 1919	[KS 202-1202; FRL-7608-9]
(29) Revision to Maintenance Plan for the 1-hour ozone standard in the Kansas portion of the Kansas City maintenance area for	Kansas City	2/10/06	6/26/06, 71 FR 36213	[EPA-R07-OAR- 2006-0365; FRL- 8188-4]

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
the second ten-year period				
(30) CAA 110(a) (2) (D) (i) SIP - Interstate Transport	Statewide	1/7/07	3/9/07, 72 FR 10608	[EPA-R07-OAR-2007-0141; FRL-8286-3]
(31) Maintenance Plan for the 8-hour ozone standard in the Kansas portion of the Kansas City area	Kansas City	5/23/07	8/9/07, 72 FR 44781	[EPA-R07-OAR-2007-0620; FRL-8450-5] This plan replaces numbers (28) and (29).
(32) Section 110(a) (2) Infrastructure Requirements for the 1997 8-Hour Ozone NAAQS	Statewide	1/8/08 7/20/09	7/11/11, 76 FR 40624	[EPA-R07-OAR-2011-0304; FRL-9434-3]. This action addresses the following CAA elements as applicable: 111(a) (2) (A), (B), (C), (D) (ii), (E), (F), (G), (H), (J), (K), (L), and (M).
(33) Regional Haze Plan for the first implementation period	Statewide	11/9/09	12/27/11, 76 FR 80754	[EPA-R07-OAR-2011-0675; FRL-9611-3]. Certain provisions withdrawn from plan as identified in letter dated 12/1/11 from Kansas.
(34) Section 110(a) (2) Infrastructure Requirements for the 1997 PM _{2.5} NAAQS	Statewide	1/08/08	6/20/13, 78 FR 37126	[EPA-R07-OAR-2013-0233; FRL-9825-6]. This action addresses the following CAA elements: 110(a) (2) (A), (B), (C), (D) (i) (II) (prongs 3 and 4), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M), except as noted.
(35) Section	Statewide	4/12/10	6/20/13, 78	[EPA-R07-OAR-

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
110(a)(2) Infrastructure Requirements for the 2006 PM _{2.5} NAAQS			FR 37126	2013-0233; FRL-9825-6]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) (prongs 3 and 4), D(ii), (E), (F), (G), (H), (J), (K), (L), and (M), except as noted.
(36) Section 128 Declaration: Kansas Department of Health and Environment Representation and Conflicts of Interest Provisions, Kansas Revised Statutes (KSA). KSA 46-221, KSA 46-229, KSA 46-247(c)	Statewide	3/19/13	6/20/13, 78 FR 37126	[EPA-R07-OAR-2013-0233; FRL-9825-6]
(37) Section 110(a)(2) infrastructure Requirements for the 2008 Pb NAAQS	Statewide	1/13/12	9/15/14, 79 FR 54908	[EPA-R07-OAR-2014-0271; FRL-9916-50-Region 7]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).
(38) Section 110(a)(2) Infrastructure Requirements for the 2008 O ₃ NAAQS	Statewide	3/19/13	10/21/14, 79 FR 62861	[EPA-R07-OAR-2014-0401; FRL-9918-19-Region 7]. This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II) (prongs 3 and 4), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) except as

Name of nonregulatory SIP provision	Applicable geographic or Nonattainment area	State submittal date	EPA approval date	Explanation
				noted.
(39) Section 110(a)(2) Infrastructure Requirements for the 2010 NO ₂ NAAQS	Statewide	3/19/13	10/22/14, 79 FR 63044	[EPA-R07-OAR-2014-0500; FRL-9918-11-Region 7]. This action addresses the following CAA elements: 110 (a)(2)(A), (B), (C), (D), (E), (F), (G), (H), (J), (K), (L), and (M).

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